REMARKS

The Application has been carefully reviewed in light of the Office Action mailed October 26, 2007. Claims 1-23 are pending in this application. Claims 1-23 stand subject to a restriction requirement. Claims 8 and 23 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. The specifications stands objected to for informalities. The drawings stand objected to under 1.83(a) as not showing every feature of the invention specified in the claims. Claims 1-19 (Group I) and claims 20-23 (Group II) have been indicated in the office action as being directed to two distinct inventions. Applicants are electing group I for prosecution on the metrits and are withdrawing group II. Upon entry of this Amendment, claims 1-19 will be pending. No new matter is being introduced. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Rejections Under 35 U.S.C. § 101:

The Examiner has rejected Claims 8 and 23 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. With regard to claim 8, Applicants have amended claims 8, 9, and 13 – 15 to conform to the Examiner's suggestions. Applicants respectfully submit that amended claim 8 now is directed to statutory subject matter.

With regard to claim 23, the rejection has been made moot by the election of claims 1-19 and the withdrawal of claim 23, and has not be addressed at this time.

Amendments to the Specification:

Applicants have amended the specification to address the objections provided in the Office Action. Based on the below amendments to the Specification, Applicants respectfully request the objections be withdrawn. No new matter has been introduced by these changes.

Please amend paragraph [0035] of the specification as follows:

> [0035] As one skilled in the art will appreciate, the present invention may be embodied as, among other things: a method, system, or computer-program product. Accordingly, the present invention may take the form of a hardware embodiment, a software embodiment, or an embodiment combining software and hardware. In a preferred embodiment, the present

invention takes the form of a computer-program product that includes computer [[-usable]] program instructions embodied on one or more computer-readable media.

Please amend paragraph [0037] of the specification as follows:

[0037]Computer-storage media, or machine-readable media, include media implanted in any method or technology for storing information. Examples of stored information include computer[[-useable]] program instructions, data structures, program modules, and other data representations. Computer-storage media include, but are not limited to RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile discs (DVD), holographic media or other optical disc storage, magnetic cassettes, magnetic tape, magnetic disk storage, and other magnetic storage devices. These memory components can store data momentarily, temporarily, or permanently.

Please amend paragraph [0040] of the specification as follows:

[0040] Operating environment 100 includes a computer 110 upon which runs an application 112 and a graphing module 124. Application 112 includes a parser ~~114~~ 116, a script ~~116~~ 114, and a scheduler module 118. Computer 110 is coupled to a plurality of network elements, such as switches 120. In the illustrative embodiment shown, an intermediary gateway 122 helps facilitate communication between the computer 110 and one or more switches 120. In a preferred embodiment, communication between computer 110 and switch 120 is provided by a telnet session, as indicated in FIG. 1. Computer 110 may communicate with a switch 120 through a variety of technologies, and such communication mode should not be construed as limited to a telnet session. A telnet session is merely one example of a communications scheme between computer 110 and switches 120. Additional communications schemes include remote-access technologies, Virtual Private Network (VPN) technologies, and the like.

Please amend paragraph [0041] of the specification as follows:

[0041] Computer 110 can be a conventional computer (gateway, laptop, workstation, etc.) that includes one or more memory components 126, a processor, and a variety of

input/output components that enable it to interact with various peripheral devices. Low-level detail of these various components are not provided due to their conventional nature.

Please amend paragraph [0053] of the specification as follows:

[0053] A buffer 128 is used in establishing a telnet session. A buffer 128 is a temporary area in memory 126 than can eventually fill up. Data sent from a remote device, such as switch 120, must be properly received by computer 110. However, situations arise where data is sent from switch 120 but cannot immediately be processed by computer 110. In such situations, the data is allocated to a respective buffer 128. If the buffer is too small, data is garbled, and junk data is consequently outputted. Applicants determined that the telnet buffer 128 was too small, and increased its size to a value that, worse case, would not require successive clearing. A buffer size of 640 megabytes proved to be adequate. But a buffer size of one megabyte per ten data requests (such as OnShow requests) is also acceptable. These values should not be construed as invariable and absolute. What is more important is that the problems associated with the buffer limitation were identified as an obstacle to the solution disclosed herein. Additionally, commands are issued by the application 112 to periodically clear the buffer 128 to further ensure that it will not overflow. The two non-obvious solutions to a strategically identified problem allow all of the transient data from switch 120 to be received and processed correctly.

Please amend paragraph [0066] of the specification as follows:

[0066] First traffic analyzer 514 is preferably a PHP file, and accepts a trunk-group name and a graph type as parameters to return a line graph report for the last 24 hours. Other types of graphs could be returned for various durations. For instance, second traffic analyzer 516 accepts a trunk-group name and a graph type as parameters and returns a comprehensive line graph report of the instant data. Bar-graph generation module 518 returns an image of a bar graph for preferable all the trunks during a given run for a given parameter. Line-graph-generation module 520 returns an image of a comprehensive line graph for a given trunk group for a given parameter. An exemplary line graph generated by module 520 is depicted in FIG. 6D. Comprehensive-graph-generation module 522 returns an image of a line graph for a given trunk group for a given parameter over the last 24 hours. An exemplary

comprehensive graph generated from 24-hour historical data is provided in FIG. 6E. Additional graphs, such as pie charts, scatter plots, area diagrams, etc. could also be generated using the appropriate modules. An exemplary Object Oriented Graphing Library 524 includes "JPGraph," which can be downloaded from a website on the Internet ~~http://www.aditus.nu/jpgraph/~~. FIG. 6F is a column chart representing data capacity that was produced by graphing module 124.

Election:

Applicants elect with traverse Group I (Claims 1-19) for prosecution on the merits in the above-identified patent application.

Drawings:

Attached is amended FIG. 1A and a marked up copy identifying amendments in red. The Figure is being amended to show a memory 126 and buffer 128, which were described in paragraph [0053] of the originally filed specification. Applicants respectfully submit that a memory and buffer are well understood in the art and that no new matter is being introduced by way of the amendments.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is due, however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P., under Order No. 024777.0140PTUS.

Dated: January 22, 2008

Respectfully submitted,

By _____
Gary Solomon
Registration No.: 44,347
PATTON BOGGS LLP
2001 Ross Avenue, Suite 3000
Dallas, Texas 75201
Direct: 214-758-6611 Main: 214-758-1500
Attorney for Applicants

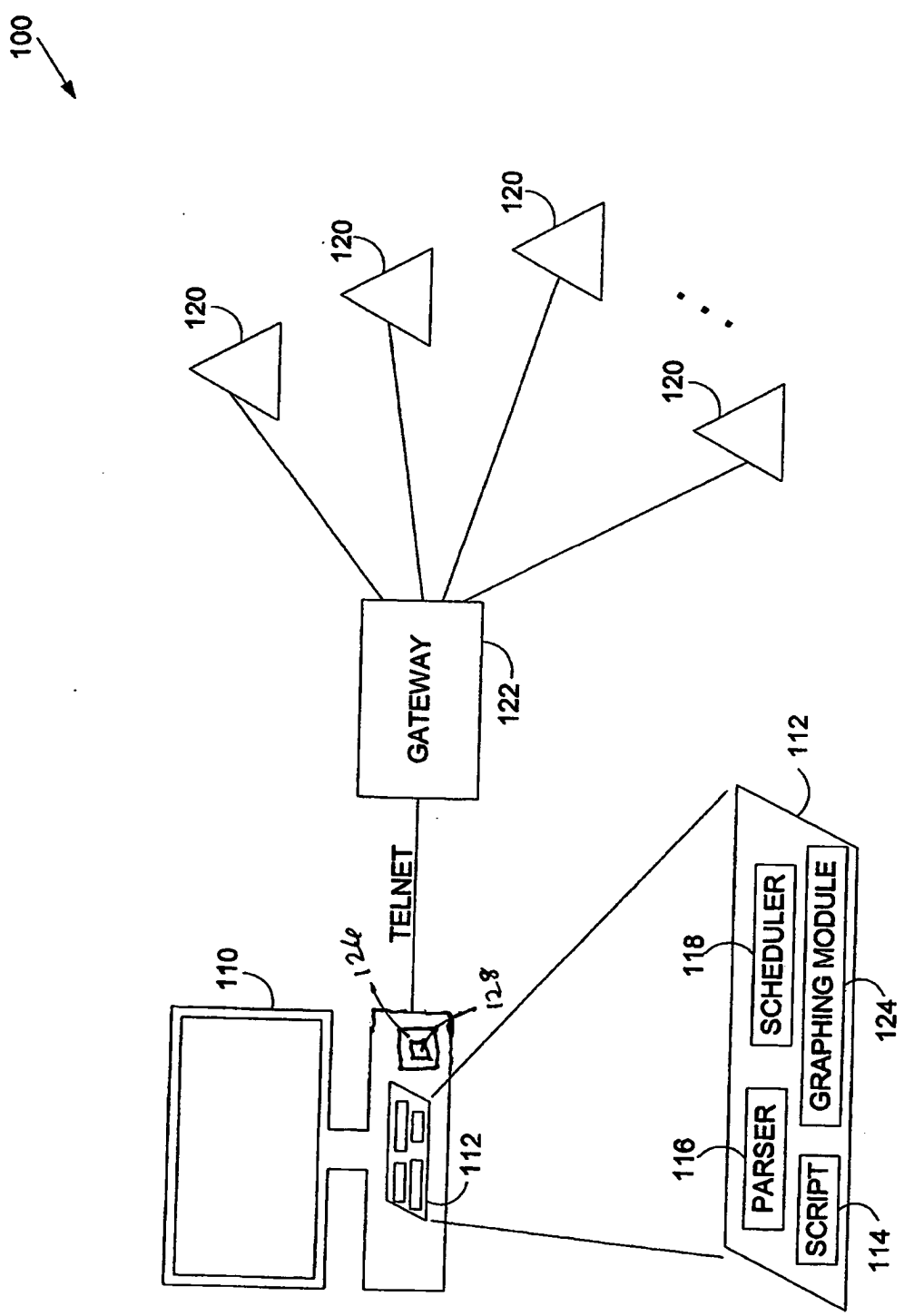
100
120
120
120
120
GATEWAY
122
112
TELNET
110
124
128
118
SCHEDULER
GRAPHING MODULE
124
112
116
PARSER
SCRIPT
114

FIG. 1A